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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/676,473

09/30/2003

Christopher A. Huey

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05/31/2007

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EXAMINER

JONES, PRENELL P

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

05/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/676,473	Applicant(s) HUEY, CHRISTOPHER A.	
	Examiner Prenell P. Jones	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 10-12, 15-17, 19-34 and 36-47 is/are rejected.
- 7) ☐ Claim(s) 7, 9, 13, 14, 18 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/30/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8, 10-12, 15-17, 19-34 and 36-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (US PG PUB 2005/0153681) in view Lee et al (US PG PUB 20030128823).

3. Regarding claim 1, 19, 29, 24, 37, 42 and 47, Hanson discloses a mobile locating data service system wherein communication between devices is via Internet Protocol, wherein the architecture further includes emergency service by users of a PDA (Abstract), a plurality of assistance providers/emergency services, a plurality of servers for passing message request, (Fig. 5 & 6, paragraphs 007-0014, 0033), request are processed. However, Hanson is silent on causing a second request for acceptance of the call to be sent to selected providers.

In a redirecting calling environment, Lee discloses generating a subset of destinations with respect to service providers (Abstract, paragraph 0006, 0011, 0036, 0038, 0037, 0024, 0050). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a second request for acceptance of the call to be sent to selected providers as taught by Lee with the

teachings of Hanson for the purpose of further providing dynamic use of service providers in a emergency environment.

4. Regarding claim 2 and 43, Hanson further discloses offering E-911 to VoIP devices (paragraph 0015).

5. Regarding claim 3, 4, 25-27, 30-32, 44, 45, Hanson further discloses data information pertaining to emergency assistance provider (information assistance providers) is stored in a database, wherein the database includes IP addresses of assistance providers, and the nearest/available assistance provide. Hanson further discloses assistance provider utilizing SIP formatting (paragraph 0034), and servers for passing messages (paragraph 0033, 0060).

6. Regarding claim 5 and 33, Hanson further discloses that the assistance providers may include a human operator (paragraph 0004, 0085).

7. Regarding claim 6, 28, 34 and 46, Hanson further discloses ranked status of user request with respect to available assistance provider (Fig. 3, paragraph 0061-066).

8. Regarding claim 8 and 36, Hanson further discloses selectively provides assistance providers to user as associated with database/list (paragraph 0102, 0104).

9. Regarding claim 10, Hanson further discloses user request stored/queued to be answered is indexed (Fig. 3, paragraph 0045).

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10. Regarding claims 11,12,16, 17, 23 and 41, Hanson further discloses that a time period is associated with answering call request (paragraph 0063, 0079, 0103).

11. Regarding claim 20-22, 38-40, Hanson further discloses a plurality of servers containing databases for storing server address and managed information concerning provider access.

Allowable Subject Matter

12. Claims 7, 9, 13, 14, 18 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The following is a statement of reasons for the indication of allowable subject matter:

Although the combined prior art of Hanson and Lee discloses communication in a call environment wherein calls are processed with respect to accessing assistance providers, they fail to teach or suggest fairly with respect to claim 7 and 35, providers in a subset ranked equally, a second request for acceptance of the call being multicast to the first and second providers, with respect to claim 9, a measure is a function of the number of callers hanging up calls in the system after a predetermined answer delay, with respect to claim 13, measure is a function of at least one of the number of information providers and the number of operators attending to the calls in the system, with respect to claim 14, measure a function of wait time before a call is answered in the system, with respect to claim 18, measure weighted relative to another measure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones

May 29, 2007


CHI PHAM
SUPERVISORY PATENT EXAMINER
5/29/07